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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Additional information submitted by States parties to the Covenant following the consideration of their reports by the Committee on Economic, Social and Cultural Rights

Addendum

PHILIPPINES*

[21 October 1996]

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* At its 11th, 12th and 14th meetings held on 8 and 9 May 1995 (E/C.12/1995/SR.11, 12 and 14), the Committee considered the initial report of the Philippines on the rights referred to in articles 10 to 12 of the Covenant (E/1986/3/Add.17).

The Government of the Philippines submitted additional information relating to the consideration of that report by the Committee, which is reproduced in the present document.

PHILIPPINE GOVERNMENT'S COMMENTS TO THE CONCLUDING OBSERVATIONS OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (E/C.12/1995/7)

Committee's observation

The Committee is concerned about the lack of resources devoted by the Government to preventing and combating the economic and sexual exploitation of children. It notes that the official government statistics relating to cases of child sexual exploitation are radically lower than apparently more reliable estimates from a variety of other sources. It is not convinced that the Government is doing enough to satisfy its obligations under the Covenant to seek to protect these children. The same observation applies with respect to the problem of street children. The Committee also expresses regret at the lack of mechanisms to monitor the application of the laws governing the legal minimum age of employment and the protection of children in labour matters, as required by the provisions of the Covenant (para. 12).

Government's response

Resources to prevent and combat economic and sexual exploitation of children

1. The Philippine Government is committed to preventing and combating the sexual exploitation of children. In terms of resources, the President recently released 10 million pesos (US$ 384,615) from his Social Fund to support the programme of activities of the Committee for the Special Protection of Children which he created in September 1995 in response to the problem of sexual abuse and exploitation of children. This amount is meant to be used for the following: advocacy activities related to the promotion of children's rights at the community and family levels; capability-building of the five pillars of the justice system; surveillance, monitoring and rescue operations; rehabilitation programmes for children and their families and reintegration to the community; and data-banking and research.

2. Since 1994, the Department of Social Welfare and Development (DSWD), which is primarily responsible for the rehabilitation of sexually abused or exploited children, has budgeted 13 million pesos (US$ 500,026) for community-based services.

3. Although economic reform and the setting up of physical infrastructure and related activities are the Government's priority to spur economic growth, the social development sector has not been left behind as the Government pursues its goal of people empowerment.

Statistics relating to cases of child sexual exploitation

4. The Government estimates that there are 60,000 children who are victims of prostitution. This figure is an extrapolation from the figure of 20,000 which was used in 1987. Some NGOs estimate that there are 100,000 child prostitutes in the country.

5. According to the DSWD, there were 100 and 175 children rescued from prostitution in 1994 and 1995, respectively, who were provided with

rehabilitation services. The DSWD found that the children came to the cities from depressed provinces and fell victims to trafficking and illegal recruitment.

Measures, programmes and services for the protection of children against sexual exploitation

6. Laws, executive orders and proclamations:

(a) Article III of Republic Act 7610 of 1992 entitled "Special Protection of Children against Abuse, Exploitation and Discrimination Act" provides the imposition of penalties of imprisonment up to life on persons who engage in or promote, facilitate or induce child prostitution, on persons who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution, and on those persons who derive profit or advantage from child prostitution;

(b) Executive Order 275. On 14 September 1995, the President of the Philippines issued Executive Order 275 creating the Committee for the Special Protection of Children from All Forms of Neglect, Abuse, Cruelty, Exploitation, Discrimination and Other Conditions Prejudicial to their Development. This Committee has the function, among others, of reporting to the President on actions taken by government agencies to address specific issues concerning child abuse and exploitation brought to the Committee's attention. Further, the President directed the release of an initial fund of 10 million pesos for the Committee's expenses. The members of the Committee are: the Secretary of Justice (Chairman), the Secretary of the Department of Social Welfare and Development (Co-Chairman), the Chairman of the Commission on Human Rights (CHR), the Commissioner of the Bureau of Immigration (BI), representatives with the rank of Under-Secretary from the Departments of Labour and Employment (DOLE), Tourism (DOT), Interior and Local Government (DILG) and Foreign Affairs (DFA). The Council for the Welfare of Children (CWC), which is chaired by the Secretary of the DSWD, provides the secretariat for the Committee. The Committee created a Technical Working Group (TWG) to conduct a general review of the existing programmes of the different agencies and to identify the problems of child protection within the contexts of prevention, deterrence, actual incidence of violation and post-incidence and rehabilitation. Realizing the magnitude of the tasks, the Group created four sub-groups on functions, workshop programmes, information dissemination and surveillance, monitoring and rescue;

(c) Presidential Proclamation No. 731 Declaring the Second Week of February of Every Year as "National Awareness Week for the Prevention of Child Sexual Abuse and Exploitation";

(d) Presidential Proclamation No. 759 Declaring the Fourth Week of March 1996 as "Protection and Gender Fair Treatment of the Girl Child Week".

7. The drive continues against sexual exploitation of children by foreign and local paedophiles through intensification of prosecution of cases against the perpetrators, in accordance with existing laws and international cooperation standards. A foreigner was found guilty in May 1996 of sexually abusing a 13-year-old girl and was sentenced to be imprisoned

from 8 to 17 years. The court also ordered him to pay 50,000 pesos to a special trust fund for the victim. He was the first foreigner to have been convicted under R.A. 7610. A number of other foreigners have been arrested and are facing charges for various violations of R.A. 7610.

8. Seminar-workshops have been held on measures against abuse, trafficking and exploitation of children among the Departments of Social Welfare and Development (DSWD), Trade and Industry (DTI) and Foreign Affairs (DFA), the Bureau of Immigration (BI), the Association of Tours and Travel Agents, and the Hotel and Restaurant Owners and Security Association.

9. There is continuous surveillance of establishments and rescue missions of children who are victims of prostitution.

10. The DSWD maintains a desk at Philippine international airports to screen minors travelling abroad unaccompanied by parents.

11. The Bantay Bata (Child Watch) Hotline has been set up and recently a TV programme, "Helpline on 9" (channel 9), helped spread public awareness and understanding of the plight and rights of children and facilitated reporting of cases. A total of 1,586 cases of sexual abuse or exploitation were reported in 1994 and 2,277 in 1995.

12. Barangay (village) Councils for the Protection of Children have been organized, strengthened and maintained to identify children at risk at the village level and adopt the necessary measures for the protection of these children; 13,000 such councils have been organized.

13. Care centres have been established for sexually abused and exploited children in areas where there is a high incidence of cases. There are now five such homes for girls.

14. Rehabilitation programmes and services, e.g. individual and family therapy, livelihood and educational programmes, medical and legal assistance, have been developed and enriched.

15. Capability-building has been undertaken for service providers, particularly in the strengthening and rehabilitation approaches for sexually abused or exploited children. Twenty-one social workers, a judge, a prosecutor, a police officer and a human rights lawyer were trained in Sweden on therapeutic techniques in handling sexually abused children and other cases of children at risk. The training was sponsored by the Swedish Government through its Board of Investments and Technical Services (BITS)/Swedish International and Development Agency (SIDA) and the Swedish Save the Children. These trainers have trained 309 social workers of the Department of Social Welfare and Development (DSWD), local government units and NGOs.

16. A data bank has been set up to improve monitoring of cases of children who are victims of child prostitution and paedophilia.

17. International networking is maintained to exchange strategies and resources in dealing with prostitution and paedophilia. This includes coordination and networking with NGOs for complementarity of services.

18. Advocacy and social mobilization activities for the public and the authorities towards prevention and protection of children have been intensified. The two proclamations on awareness on sexual abuse and the girl child are effective vehicles for advocacy and social mobilization.

19. Laws relating to child abuse and exploitation have been reviewed and assessed and new laws promulgated.

20. The Department of Justice created the Task Force on Child Protection which takes charge of the prosecution of cases involving violations of the provisions of R.A. 7610.

21. The National Bureau of Investigation (NBI) created the Task Force on Child Abuse which is responsible for the surveillance and investigation of cases of child abuse and prostitution. This special body also conducts raids on establishments being used as fronts for prostitution.

22. The Department of Interior and Local Government (DILG) launched a campaign with other government agencies to address the rising incidence of child prostitution, pornography and other forms of child abuse. The campaign includes a comprehensive implementation of R.A. 7610 with the Philippine National Police (PNP) as the lead agency. Closer monitoring of foreign nationals suspected of having links or participation in child prostitution and tight police-monitoring activities in key cities and tourist spots are being undertaken.

23. The Department of Tourism (DOT) is also closely monitoring travel agencies which are suspected to be fronts for prostitution. It issued a memorandum to all resorts and hotels prohibiting guests from bringing with them minors who are not related to them and to report all violations of the Convention on the Rights of the Child.

24. The Philippine National Police established Child and Youth Relations Units in all key cities and urban areas and designated Child and Youth Relations Officers in all municipalities. The members of these special units are trained in handling cases involving children. To assist the police officers, a Handbook Concerning Children in Especially Difficult Circumstances was developed.

25. The Government-run University of the Philippines Law Center, in cooperation with NGOs, produced a reference manual on the justice system and the rights of the child. It is intended for the use of all child handlers in the criminal justice system: the law enforcement agent, the social worker, the lawyer, the prosecutor and the judge. It covers the range of involvement of the child whether as victim or complainant, alleged offender, or as witness.

26. The Commission on Human Rights organized a Child Rights Center to investigate violations of the rights of children. It also initiates legal action for and on behalf of the children and monitors and reports all violations of the Convention on the Rights of the Child.

Measures, programmes and services for the protection of street children

27. The special problems of street children are being addressed jointly by the Philippine Government and NGOs such as the National Council on Social Development. In 1986, they jointly launched the National Project on Street Children (NPSC). Some of the features of this project are:

(a) It has local networks in 23 of the most highly urbanized areas and is assisted by UNICEF. It undertook a study of 10 cities covering the period from 1984 to 1987 to survey the situation of street children. The number of cities covered was expanded to 17 in 1988, and to 23 in 1994;

(b) A study conducted on street children indicated that they comprise 1-3 per cent of the child and youth population of a city. Although street children are very visible, their exact number has not been determined because these children are very mobile and are very cautious in giving information about themselves. It was also noted that their number swells during certain times of the year such as Christmas holidays or during peak seasons for tourists.

28. To address the needs of street children, three types of services are rendered:

(a) Preventive services for children living with their families. These are community based and geared towards enhancing skills in parenting, alternative livelihood projects, providing educational assistance and food supplements and organizing community self-help activities;

(b) Protective services for children who have irregular contacts with their families or relatives through street-based services. Non-formal education has benefited approximately 84,000 street children; the programme also aims at providing them organizational skills in order that they can help each other in their daily struggles; counselling and referral to agencies for appropriate basic services are among the other services extended to these children; drop-in centres are made available to provide them with safe shelter and nutritious food;

(c) Rehabilitative services for abandoned and orphaned children and for those with dysfunctional families.

29. From 1988 to 1989, 25,653 street children were reached by the project or 73.2 per cent of the total target for the period. The street children served constituted 30.1 per cent of the total estimated population of 85,000 in the 17 participating cities. There are an estimated 220,000 street children nationwide.

30. For the period 1994-1998, the goal of the NPSC is institutionalization of the street children programme in the local or city government development plans. The NPSC works very closely with the police, NGOs such as the End Child Prostitution in Asian Tourism (ECPAT) and Stop the Trafficking of Pilipinos (STOP) in conducting surveillance of tourists and tourist spots of questionable reputation and activities. Together with ECPAT, STOP and the

Department of Justice's Task Force on Child Protection, perpetrators are brought to court. ECPAT pursues cases of sexual abuse and exploitation not only in the Philippines, but abroad, when foreigners are involved.

31. The project upgrades the skills of service providers in the areas of team approach, case management and psychological intervention. A three-year pilot project on Psychosocial Interventions on Street Children (PISC), funded by UNICEF and the Australian Government, was launched in Metro Manila in 1994.

32. The National Council on Social Development is continuing its advocacy efforts for the welfare of street children among policemen and other law enforcers, volunteers, church groups, and the community at large.

33. A comprehensive programme for street children and their families was developed in coordination with local government units and NGOs. President Fidel V. Ramos issued a memorandum to the line agencies ordering the full implementation of this comprehensive programme. Empowering the street children is a major goal of the programme. In October 1995, two national conferences were held in Manila during which street children discussed their rights, shared their experiences, problems and aspirations and talked about how they could organize themselves and participate in advocacy and other activities.

34. The Department of Social Welfare and Development (DSWD) established the National Capital Region Street Children Unit in partnership with STOP to provide an effective and well-coordinated response to children's issues specifically in Metro Manila. The unit assists in the implementation of the Department's comprehensive programme for street children in close coordination with local government units, government agencies and NGOs. The unit will establish a data bank and train barangay officials in the organization of local councils for the protection of children.

Lack of mechanisms to monitor the application of the laws governing the legal minimum age of employment and the protection of children in labour matters

35. There are four national laws in force that govern the employment of children in the Philippines, namely: P.D. 603 entitled "The Child and Youth Welfare Code of 1974", the Labour Code of the Philippines (art. 139), and R.A. 7610 and R.A. 7658. The Philippine Labour Code provides that 15 years shall be the minimum age for admission to non-hazardous work. A child under 15 years of age may be allowed to work provided that he or she is under the supervision of his or her parents or guardian and that the work does not interfere with his or her schooling. In addition, section 14 of R.A. 7610 specifies that in no case can a child be employed as a model in commercials or advertisements promoting violence, alcoholic beverages, intoxicating drinks, tobacco and its by-products. P.D. 603 specifies further that in instances where a child below 15 years may be employed, the employer is required to keep: a separate file of date of birth; the written consent of the parent or guardian regarding the child's employment; the educational and medical certificates of the children; and, when necessary, special work permits issued by the Department of Labour and Employment (DOLE).

36. One of the programme thrusts of the Department of Labour and Employment (DOLE), as provided for in the Philippine Constitution and the above-cited laws, is to ensure the protection of workers and the promotion of their welfare. The implementation and monitoring of these laws are primarily carried out through the inspection activities of DOLE through its regional offices nationwide. The mechanism to monitor compliance with the minimum age for employment is the responsibility of the existing labour inspectorate of DOLE.

37. Sagip Batang Manggagawa (Save the Child Worker) is a project concerned with the rescue of children who have been illegally employed. Its ultimate aim is the prevention of child labour in the country. This is an inter-agency project of the Government and NGOs to rescue children working in exploitative or hazardous occupations.

38. R.A. 7658 of 1993 amended section 12 of article VIII of R.A. 7610 and provides that children below 15 years of age shall not be employed in any establishment unless they are under the sole responsibility of their parents or guardians and where only members of the employer's family are employed. It further provides that the employment shall not endanger the child's life, safety, health and morals, and shall not impair his normal development.

Committee's observation

The Committee is also concerned about the fact that, in the great majority of detention centres, juvenile offenders are detained together with adults, in contravention of international standards. While the Government has acknowledged the need to redress this situation, efforts to date have been excessively modest (para. 13).

Government's response

Data on youth offenders served by the Department of Social Welfare and Development (DSWD) in 1994-1995

39. The DSWD provided community-based or non-institutional services to 15,980 youth offenders and centre-based or institutional services to 1,851 youth offenders.

40. The number of jails in the country as of 15 February 1995 was 1,298. Of this, 479 are for juvenile offenders. As of April 1995, there were 741 youth offenders detained in various jails all over the country. In order to minimize the detention of juvenile offenders with adult offenders, they are released on recognizance if their offences are minor. The DSWD is closely working with police officers and jail wardens to ensure that the rights of juvenile offenders are protected. Minors on suspended sentence are under its supervision either in the community or in rehabilitation centres.

Advocacy efforts for the establishment of separate cells/homes for minors in jails

41. The Sub-Task Force on Children in Conflict with the Law under the Council for the Welfare of Children (CWC) conducted advocacy visits among the

local government executives for the establishment of separate homes for youth offenders. In Metro Manila, the city of Pasay under Mayor Pablo Cuneta set aside the second floor of the city hall for youth offenders while the city of Muntinlupa has plans to rent a building to serve as a dormitory for youth offenders.

Action taken in the Tenth Congress (1995)

42. The following bills were introduced:

(a) House Bill 2019 by Representative Rodolfo T. Tuazon entitled "An Act Establishing A Comprehensive Juvenile System and Appropriating Funds Therefor". This shall apply to all youth offenders who are over 9 years but under 18 years of age at the time of the offence;

(b) Senate Bill No. 1036 introduced by Senator Franklin M. Drilon entitled "An Act Establishing A Comprehensive Juvenile System and Appropriating Funds Thereof". It shall apply to all youth offenders who are over 12 years but under 18 years of age at the time of the commission of the offences punishable under existing laws. A youth offender who is 12 years of age at the time of the commission of an offence shall be exempt from criminal liability and shall be committed to the care of his or her father or mother or nearest relative or family friend at the discretion of the juvenile court to be established by this bill and subject to its supervision. The same action shall apply to a youth offender who is 12 years of age but not more than 15 years of age at the time of the offence.

43. These proposed measures will strengthen the Implementing Rules and Regulations on Juvenile Justice promulgated by the Council for the Welfare of Children (CWC) based on the Child and Youth Welfare Code.

44. Furthermore, a legislative proposal to increase the age of criminal responsibility of a youth offender from 9 to 12 years old has been filed in both houses of Congress. This measure was recommended by the Committee on the Rights of the Child. There is also a proposed bill creating Child and Family Courts to facilitate disposition of juvenile and domestic relations cases.

Committee's observation

The Committee notes with great concern the situation of Filipino overseas workers, especially women who often face hardship and humiliation. It notes that significant problems of family disintegration and juvenile delinquency can accompany such massive exportation of labour (para. 14).

Government's response

45. The protection and promotion of the welfare of Filipino overseas workers is one of the highest priority concerns of the Philippine Government.

46. Pursuant to R.A. 8042 entitled "An Act to Institute the Policies of Overseas Employment and Establish a Higher Standard of Protection and Promotion of the Welfare of Migrant Workers, Their Families and Overseas Filipinos in Distress, and for Other Purposes", the Office of the Legal Assistant for Migrant Workers Affairs was created to coordinate and supervise all assistance provided to Filipino migrant workers, both documented and

undocumented. Among the functions of the Legal Assistant are to tap the assistance of the Integrated Bar of the Philippines, reputable law firms and bar associations to complement the efforts of Government in providing legal assistance to migrant workers, and to administer the Legal Assistance Fund for Migrant Workers.

47. R.A. 8042 provides that the protection of the Filipino migrant workers and the promotion of their welfare shall be the highest priority of the Department of Foreign Affairs (DFA) and the Philippine foreign service posts.

48. In addition to codifying and strengthening national laws that aim to promote and protect the welfare of Filipino migrant workers, the Philippines has intensified diplomatic efforts to afford Filipino workers abroad fair and humane conditions of work. Bilateral arrangements relating to working conditions and the welfare of workers have been entered into between the Philippines and countries which employ a significant number of Filipino workers.

49. R.A. 8042 provides for the establishment of a Migrant Workers and Overseas Filipinos Resource Centre in countries where there are large concentrations of Filipino migrant workers. The centres shall be operated on a 24-hour basis, seven days a week including holidays. The centres provide the following services: counselling and legal services; welfare assistance; information advisory programmes for orientation and networking within the country of employment; registration of undocumented workers; human resource development; gender-sensitive programmes to address the particular needs of women migrant workers; and monitoring of the situations and circumstances affecting migrant workers and other overseas Filipinos.

50. R.A. 8042 created the following funds:

(a) The Emergency Repatriation Fund (100 million pesos) to be used in cases of war, epidemics, disasters or natural or man-made calamities and other similar events; the law provides for the mandatory and immediate repatriation of workers who are found to be underaged;

(b) The Migrant Workers Loan Guarantee Fund (100 million pesos) to provide a financing scheme for the grant of pre-departure loans and family assistance loans; the fund aims to protect workers seeking employment abroad from illegal recruiters;

(c) The Legal Assistance Fund (100 million pesos) to finance the activities of the Office of the Legal Assistant for Migrant Workers Affairs; and

(d) The Congressional Migrant Workers Scholarship Fund (200 million pesos) which shall benefit deserving migrant workers and/or their immediate descendants below 21 years of age who intend to pursue courses or training primarily in the field of science and technology.

51. On 6 June 1995, the Philippines ratified the International Convention on the Protection of All Migrant Workers and Members of Their Families. It has enjoined the other States Members of the United Nations to sign and ratify the Convention.

52. The United Nations General Assembly and the United Nations Commission on Human Rights have recently adopted two Philippine-sponsored resolutions entitled "Violence against women migrant workers" and "Traffic in women and girls". It is the aim of these resolutions to make the international community aware of the plight of women migrant workers and to encourage them to take individual or collective action to address the problems.

Committee's observation

The Committee expresses particular concern at the use of criminal law provisions to deal with problems arising from the inadequacy of housing. It notes in this regard that P.D. 772 has been used in some cases as a basis for the criminal conviction of squatters and that P.D. 1818 restricts the right of due process in the case of evictees. While the Committee does not condone the illegal occupation of land nor the usurpation of property rights by persons otherwise unable to obtain access to adequate housing, it believes that in the absence of concerted measures to address these problems, resort should not be had in the first instance to measures of criminal law or to demolition (para. 15).

Government's response

53. Criminal law provisions, specifically P.D. 772, have never been resorted to by the Government in dealing with problems arising from the inadequacy of housing. The Government recognizes, however, that there have been instances when P.D. 772 was invoked by private landowners against persons who illegally occupied their lands.

54. President Ramos convened the National Anti-Poverty Summit on 19 and 20 March 1996 in which participated the different sectors of society, NGOs and government agencies. The Summit called for the repeal of P.D. 772 and for the strengthening of the implementation of R.A. 7279 entitled "An Act to Provide for a Comprehensive and Continuing Urban Development and Housing Programme, Establish the Mechanism for Its Implementation, and for Other Purposes". A legal task force consisting of executive and congressional lawyers was immediately created to draft the appropriate measure for consideration by the Congress. Currently, the Committee on Justice and the Committee on Housing and Urban Development of the House of Representatives are conducting hearings on its repeal. The general consensus among the members of the committees is to repeal P.D. 772.

Committee's observation

The Committee has received information from a variety of sources indicating that large-scale forced evictions occur frequently and are estimated to have affected hundreds of thousands of persons since the ratification of the Covenant by the Philippines. One figure presented to the Committee asserted that some 15,000 families were forcibly evicted between June 1992 and August 1994. The scale of forced evictions and the manner in which they are carried out are of concern to the Committee. The Government itself acknowledges that planned forced evictions may affect up to 200,000 families, and that the Government has identified only 150,000 relocation sites. If these estimates are correct a very

significant number of persons currently threatened with eviction will not receive adequate resettlement. Such a situation would not be compatible with respect for the right to housing (para. 16).

Government's response

55. The Philippine Government's policy and the legal regime obtaining in the country do not condone large-scale forced evictions. While there may have been sporadic and isolated cases of illegal evictions and illegal demolitions, they were not conducted, sanctioned or encouraged by the Philippine Government. The Philippine Government, however, admits that relocation of families will be necessary for those who are living in dangerous areas and who are occupying lands earmarked for major infrastructure projects. In such cases, the process prescribed by law is adhered to such as consultations with the affected communities, proper notification and provision of relocation sites.

56. Through a resolution adopted during the Housing Summit in January 1995 and operationalized by the Investment Coordinating Committee of the National Economic Development Authority (NEDA), all government agencies engaged in infrastructure development have been mandated to allocate a certain percentage of their respective budgets for relocation and resettlement of families to be affected by their projects in accordance with R.A. 7279.

57. In Metro Manila, where concentrations of informal settlements are most visible and the housing need is most acute, the Metro Manila Housing Plan (MMHP) was formulated in mid-1995 and is now being translated into operational terms. The MMHP was formulated together with the Metro Manila local government units through a series of workshops and consultations. The Metro Manila city and town mayors have agreed to pursue a common resettlement site for their respective urban poor constituents who need to be relocated because they are occupying dangerous zones and critical areas for government infrastructure projects. Through the various housing programmes, 147,336 households and 235,669 households were given housing assistance in 1994 and 1995, respectively. Such accomplishments show considerable increases in households reached over the 1993 figure of 102,042 households. As of 31 August 1995, land inventories submitted by the local government units showed a total of 226,375 hectares of land which may be suitable for socialized housing. At present, these identified lands are being validated on the ground and measures to unlock these lands for actual release for housing are being identified.

Committee's observation

While it is not for the Government itself to build or finance the housing units required to satisfy all of the demand in the country, it should make every effort to ensure that a fair share of the resources available is utilized for making low-cost housing available to the most disadvantaged and vulnerable sectors of society, and enabling the private sector to contribute to that endeavour. The Committee notes, however, that existing expenditures appear to benefit higher income groups at the expense of the poor (para. 18).

Government's response

58. The Government provides for housing programmes that address the needs of the low-income groups. Under the socialized housing component of the Unified Home Lending Programme, housing units are priced at 150,000 pesos and below. This is affordable for the lowest 30 per cent of the population or families with monthly incomes of 5,000 pesos. The total programme outreach has an average share of 44 per cent and 29 per cent in terms of households and funding.

59. The Community Mortgage Programme allows low-income families to purchase the land which they are occupying. It has a total budgetary allotment of 12 billion pesos for a period of five years.

Committee's observation

The Committee recognizes the Government's commitment to agrarian reform, as reflected in the Comprehensive Agrarian Reform Programme of 1987. It notes, however, that the implementation of the programme suffers as a result of major loopholes, a lack of funding and the lack of implementation measures. It notes that the Government has failed to meet its own targets and that there appears to be a lack of political will to redress the situation. The inadequacy of the agrarian reform programme appears to have had a negative impact upon the full realization of the right to food as enshrined in article 11 of the Covenant (para. 19).

Government's response

60. The point raised basically reflects the realities of implementing a revolutionary programme (agrarian reform) within a democratic setting. Adherence to democratic processes makes implementation of the comprehensive agrarian reform time consuming.

61. The first two years of the programme were mostly spent on start-up activities, particularly formulating operating guidelines and policies, strengthening agency capabilities, including the massive reorganization and recruitment of personnel, coordination and operationalizing the mechanisms at the national and village levels. The implementing agencies have had to undergo this learning process to be fully equipped in implementing a programme of such magnitude and scope.

62. The administration of President Fidel V. Ramos has fully supported the programme in all spheres of its implementation. It regards agrarian reform as the hope for a better quality of life for the majority of the people who live in the countryside. When it speaks of political will to complete agrarian reform, it is not just a matter of the Government complying with the law. It means abiding by society's desire to wipe out poverty and build peace in the communities. It is a process of empowerment that holds the promise of dramatically transforming the socio-economic conditions in the countryside.

63. Policies were refocused and guidelines revised to address issues emerging from programme implementation. Also, operational strategy for land acquisition and distribution in some selected provinces gained great momentum.

The strategy involved personnel augmentation and provision of adequate logistical support, mobility and communication for areas where the balance of lands to be distributed remained high.

64. The policy reforms include the granting of a 6 per cent yearly interest rate on lands covered by P.D. 27 and Executive Order 228. This interest will be compounded annually based on the unpaid value of the land. Also, Administrative Order No. 11 was promulgated to improve the land valuation guidelines and to provide for more reasonable caps for the value of the land.

65. Several measures were undertaken to minimize opposition to the programme. One was the Memorandum of Agreement on Landowner Investment Assistance Programme entered into by the Department of Agrarian Reform (DAR) and other implementing agencies. This aims to help landowners to shift their resources from agricultural production to profitable business enterprises.

66. In terms of the delivery of support services, the development of Agrarian Reform Communities (ARCs) was envisioned to provide adequate and timely support services synchronized with land distribution. It is in these communities where all implementing agencies will intensify their interventions to increase farm production, improve household income, and promote sustainable development.

67. Recognizing the funding gap in the provision of support services (credit, irrigation, roads, marketing, etc.), fund sourcing both at the local and foreign levels became a priority activity to support some 606 communities. Pledging sessions nationwide yielded support from national and local executives, NGOs, and other sectors.

Status of Comprehensive Agrarian Reform Programme (CARP) land acquisition and distribution

68. A total of 3.2 million hectares were distributed by the Department of Agrarian Reform (DAR) and the Department of Environment and Natural Resources (DENR) from July 1987 to December 1994. The accomplishment for the period 1993-1994 accounted for 1,047,000 hectares or 33 per cent of the total land distribution performance since the programme was instituted in 1987.

69. A total of 430,900 hectares of private and government-owned agricultural lands were distributed to some 297,000 farmer-beneficiaries from January to December 1994. This was 90 per cent of the target of 481,600 hectares. The accomplishment is about 5 per cent higher than what was distributed in 1993 and the highest since 1972. At the end of 1994, the aggregate accomplishment of the Department of Agrarian Reform (DAR) in terms of land distribution amounted to some 1.9 million hectares of titled agricultural lands since 1987. Fifty-three per cent of this total was transferred during the 2½ years of the Ramos administration when some 1 million farmer-beneficiaries were awarded these lands.

Prospects of CARP

70. The programme will be updated under the Medium-Term Development Plan (MTDP). The period 1996-1998 ushers in the last phase of its implementation.

The implementation of the remaining period will be guided by the following thrusts:

(a) Accelerate Land Tenure Improvement. Under this programme, focus will be on accelerating the direct land transfer and non-land transfer programmes to farmer-beneficiaries. The distribution of rice and corn lands, Government-owned lands, Voluntary Offer to Sell/Voluntary Land Transfer of lands, settlements and private agricultural lands will be given priority by the DAR to catch up with the programme's timetable. Under non-land transfer schemes, the DAR will also place all tenanted areas and areas retained by landowners under leasehold agreement. In support of its land acquisition and distribution activities, the DAR will continue to improve its operating procedures to expedite the resolution and adjudication of agrarian cases through the pooling of lawyers for deployment to areas with huge backlogs;

(b) Accelerate Programme Beneficiaries Development. The implementation of activities under this programme, such as the delivery of support systems and the building and strengthening of social infrastructure, will be anchored and focused on the development of the Agrarian Reform Communities. The DAR and the other implementing agencies will continue the development of the identified 1,000 communities nationwide;

(c) Other thrusts in support of the major items cited above:

(i) Strengthening of the partnership with the programme's public;

(ii) Mobilization of local and foreign resources for support services;

(iii) Energizing the agrarian reform bureaucracy for effective programme results; and

(iv) Initiating macroeconomic policy reforms which will enhance the capacity of the small farmers and landowners to have access to and control of resources to ensure efficiency and productivity.

<u>The following replies of the Department of Health are in response to the comments made by the members of the Committee during the consideration of the Philippine report at its twelfth session</u>

71. According to the Philippine Health Statistics of 1991, the infant mortality rate in the Philippines was 29.9 per 1,000 live births. This figure is based on health service or field reports. The National Statistics Coordination Board (NSCB) projected a higher figure of 48 per 1,000 live births for 1995. But this number has to be validated by the actual results of the census of 1995 which have yet to be published.

72. According to the 1991 figures of the Department of Health (DOH), there is one government doctor for every 9,475 people in Mindanao. The DOH does not have information on the number of private doctors in Mindanao. In Region XII, which has a population of 3,245,000, there are 282 doctors or a ratio of 1 doctor for every 11,508 people.

73. The total health budget for the period after 1993 is difficult to estimate because that was the year when health services and their corresponding budgets were devolved to local government units. For 1996, the national health budget is estimated at 9.2 billion pesos while the local government budget for health is estimated at about 6 billion pesos. Thus, the total health budget would probably be closer to 4 per cent of the national budget of 400 billion pesos. This is above the estimate of some quarters of 1-2 per cent and closer to the WHO recommendation of 5 per cent.

74. R.A. 7305 of 1992 entitled "The Magna Carta for Public Health Workers" improved the benefits of public health workers. The devolution of health services to local government units in 1993 might have led to certain distortions of the law's implementation due to financial constraints experienced during the transition period.

75. The Philippine health-care system is a mixed system with equal participation by the public and private sectors. Health expenditures are expected to be affected by the implementation of a National Health Insurance Law which was approved in 1995.

76. Since 1993, the DOH has adopted a local government assistance package to support local health operations and to augment health workers' salaries and benefits. In 1994, the package amounted to 1.4 billion pesos, 700 million of which was for salary increases. A system has been worked out so that the poorer provinces are allocated a bigger share of the resources.

77. The Philippine Family Planning Programme is one of the priority public health programmes which is founded on the freedom of conscience to make voluntary decisions about fertility, family future and quality of life. The programme is implemented in response to the demand for family planning and the need to minimize pregnancy-related risks. It rejects abortion as a family planning method. While there have been objections from some sectors against the use of artificial methods of family planning, there is a general recognition of the adverse consequences of runaway population growth. Efforts have continued to maintain dialogue with the Catholic Church and others who object to the programme. Since its inception in the 1970s, the programme has made slow and modest gains in terms of declines in the population growth rate and the total fertility rate and an increase in the family planning prevalence rate.

78. The 1995 family planning survey of the National Statistics Office (NSO) shows a contraceptive prevalence rate of 50.7 per cent as compared with 40 per cent in the national demographic survey of 1993. However, the increase is attributed to the use of traditional family planning methods. The programme is looking into the expansion of the availability of modern methods and to increase the role of the private sector.